

CABINET ITEM COVERING SHEET PROFORMA

AGENDA ITEM

REPORT TO CABINET

27th SEPTEMBER 2018

**REPORT OF SENIOR
MANAGEMENT TEAM**

CABINET DECISION

Environment & Transport – Lead Cabinet Member - Councillor Mike Smith

REVISED LEGIONELLA CONTROL & WATER HYGIENE POLICY

1. SUMMARY

The Council as a Local Authority has responsibility for the effective management of water systems to control Legionella bacteria in Council controlled property. A Legionella Control Policy & Water Hygiene Policy was previously approved by Cabinet in April 2015 which sets out the responsibility, accountability and measures required to reduce the risk of exposure of Legionella Bacteria.

Legionnaire's disease is a potentially fatal form of pneumonia. The bacteria reproduce to high numbers in warm, stagnant water (between 20°C and 46°C). Typically plumbing systems and hot water tanks, pools, showers, fire and sprinkler systems installed in Council buildings that use water and operate at temperatures in excess of 20°C can generate an aerosol containing Legionella bacteria and presenting a Legionella risk in particular to people aged over 45 years, smokers, drinkers and those suffering from chronic heart or respiratory disease, diabetes or with an impaired immune system. Higher temperatures of 60°C and over will kill the bacteria.

The aim of this policy is to reduce and control the risk associated with Legionella by correct; system design and operation, methods of control monitoring, and water treatment.

2. RECOMMENDATIONS

- a) Cabinet approve the revised policy for Water Hygiene and Legionella Control.
- b) Cabinet note the revised rolls and responsibilities within the policy and delegate corporate responsibility for the implementation of the revised policy for Legionella Control and Water Hygiene Policy to the Director of Community Services.

3. REASONS FOR THE RECOMMENDATIONS/DECISION

The revised Legionella Control and Water Hygiene Policy will ensure that the Council has approved formal procedures in place to reduce the risk associated with Legionella inclusive of:

- a) Documented levels of responsibility,
- b) Risk assessment, management procedures, monitoring and training requirements are fully defined,

- c) A Written Scheme and Legionella Control Management Plan for all council premises.

4. **MEMBERS' INTERESTS**

Members (including co-opted Members) should consider whether they have a personal interest in any item, as defined in **paragraphs 9 and 11** of the Council's code of conduct and, if so, declare the existence and nature of that interest in accordance with and/or taking account of **paragraphs 12 - 17** of the code.

Where a Member regards him/herself as having a personal interest, as described in **paragraph 16** of the code, in any business of the Council he/she must then, **in accordance with paragraph 18** of the code, consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and the business:-

- affects the members financial position or the financial position of a person or body described in **paragraph 17** of the code, or
- relates to the determining of any approval, consent, licence, permission or registration in relation to the member or any person or body described in **paragraph 17** of the code.

A Member with a personal interest, as described in **paragraph 18** of the code, may attend the meeting but must not take part in the consideration and voting upon the relevant item of business. However, a member with such an interest may make representations, answer questions or give evidence relating to that business before the business is considered or voted on, provided the public are also allowed to attend the meeting for the same purpose whether under a statutory right or otherwise (**paragraph 19** of the code)

Members may participate in any discussion and vote on a matter in which they have an interest, as described in **paragraph 18** of the code, where that interest relates to functions of the Council detailed in **paragraph 20** of the code.

DISCLOSABLE PECUNIARY INTERESTS

It is a criminal offence for a member to participate in any discussion or vote on a matter in which he/she has a disclosable pecuniary interest (and where an appropriate dispensation has not been granted) **paragraph 21** of the code.

Members are required to comply with any procedural rule adopted by the Council which requires a member to leave the meeting room whilst the meeting is discussing a matter in which that member has a disclosable pecuniary interest (**paragraph 22** of the code)

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SUMMARY

The Council as a Local Authority has responsibility for the effective management of water systems to control Legionella bacteria. A Legionella Control Policy & Water Hygiene Policy was approved by Cabinet in April 2015 which sets out the responsibility, accountability and measures required to reduce the risk of exposure of Legionella Bacteria.

This report revises the previously approved Water Hygiene and Legionella Control Policy to ensure all legislative requirements are fully met and reflects the changes to management structures and revisions to responsibilities following structural review.

RECOMMENDATIONS

1. Cabinet approve the revised policy for Legionella Control and Water Hygiene.
2. Cabinet note the revised rolls and responsibilities within the policy and delegate corporate responsibility for the implementation of the revised policy for Water Hygiene and Legionella Control to the Director of Community Services.

DETAIL

1. The Water Hygiene and Legionella Control Policy document details the requirements at Executive level for the day to day management of building premises to reduce the risk of legionella bacteria and also premises level responsibility. Defined levels of responsibility are critical to the successful application of the Legionella Control & Water Hygiene Policy.
2. The aim of this policy is to reduce and control the risk associated with Legionella bacteria by correct; system design and operation, methods of control monitoring, and water treatment.
3. The following legislation is applicable to the management and control of Legionella;
 - Health and Safety at Work Act 1974,
 - Management of Health and Safety at Work Regulations 1999,
 - Control of Substances Hazardous to Health Regulations 2002,
 - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013.
4. In order to reduce the risk associated with Legionella, the Council has implemented a cyclical maintenance program to undertake all the cleaning and disinfection requirements. Where the internal team cannot undertake the cleaning or disinfection then an approved contractor will be commissioned by the designated Legionella Officer.

5. The associated monitoring duties are carried out in accordance with the Approved Code of Practice (ACoP) (L8) inclusive of biennial risk assessment of all Council buildings.
6. In accordance with current guidelines a comprehensive policy document has been produced to ensure all legislative requirements are fully met.

COMMUNITY IMPACT IMPLICATIONS

7. Not Applicable

FINANCIAL IMPLICATIONS

8. None, All works funded through existing revenue budgets

LEGAL IMPLICATIONS

9. Detailed as follows
 - Health and Safety at Work Act 1974,
 - Management of Health and Safety at Work Regulations 1999,
 - Control of Substances Hazardous to Health Regulations 2002,
 - The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013,

RISK ASSESSMENT

10. The exposure to Legionella is categorised as low to medium risk. Existing management systems and daily routine activities are sufficient to control and reduce risk.

COUNCIL PLAN POLICY PRINCIPLES AND PRIORITIES

11. This report impacts on the developing strong and healthy communities Policy Principles in the Council Plan by preventing employees and others from being exposed to Legionella bacteria.

CORPORATE PARENTING IMPLICATIONS

12. Report does not contain corporate parenting implications

CONSULTATION INCLUDING WARD/COUNCILLORS

13. Consultation has been completed with all interested parties including the Health and Safety Manager.

Name of Contact Officer: Andie Mackay
Post Title: Construction & Facility Services Manager
Telephone No. 01642 524068
Email Address: andie.mackay@stockton.gov.uk

EDUCATION RELATED

14. No.

BACKGROUND PAPERS

15. None.

WARDS AND WARD COUNCILLORS:

16. The risk from legionella cover all Council facilities which are located in every ward within the Borough.

PROPERTY

17. The Legionella Control and Water Hygiene Policy will ensure that all Council Buildings are managed in accordance with current relevant legislation and all premises managers and responsible persons clearly understand the requirements of the safe and effective management of water systems throughout buildings.